

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES TRUSTY,

Plaintiff,

v.

Case Number 19-12743

Honorable David M. Lawson

Magistrate Judge David R. Grand

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION,
DENYING THE COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT,
GRANTING IN PART THE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
AND REMANDING THE CASE FOR FURTHER PROCEEDINGS**

Presently before the Court is the report issued on September 30, 2020 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the Commissioner's motion for summary judgment, grant in part Trusty's motion for summary judgment, and remand the case for further proceedings. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 21) is **ADOPTED**.

It is further **ORDERED** that the Commissioner's motion for summary judgment (ECF No. 18) is **DENIED**.

It is further **ORDERED** that Trusty's motion for summary judgment (ECF No. 16) is **GRANTED IN PART** to the extent it seeks remand; the motion is **DENIED IN PART** to the extent it seeks an award of benefits.

It is further **ORDERED** that this case be **REMANDED** for further proceedings under sentence four of 42 U.S.C. § 405(g).

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 16, 2020